

**WETHERSFIELD PLANNING AND ZONING COMMISSION**  
**PUBLIC HEARING AND MEETING**

**September 16, 2008**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, September 16, 2008 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**1. CALL TO ORDER**

As Chairman Joseph Hammer was excused from the meeting; Commissioner Roberts called the meeting to order at 7:00 p.m.

**1.1 ROLL CALL & SEATING OF ALTERNATES**

Clerk Knecht called the roll as follows:

<b>Member Name</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
<b>Joseph Hammer, Chairman</b>			<b>X</b>
<b>Richard Roberts</b>	<b>X</b>		
<b>Philip Knecht, Clerk</b>	<b>X</b>		
<b>Thomas Harley</b>			<b>X</b>
<b>Robert Jurasin</b>			<b>X</b>
<b>Earle Munroe</b>	<b>X</b>		
<b>Frederick Petrelli</b>	<b>X</b>		
<b>James Hughes</b>			<b>X</b>
<b>Anthony Homicki</b>	<b>X</b>		
<b>George Oickle</b>	<b>X</b>		
<b>David Drake</b>			<b>X</b>
<b>Thomas Dean</b>	<b>X</b>		

Also present: Peter Gillespie, Town Planner  
Denise Bradley, Assistant Planner.

Commissioner Roberts noted that there were 6 full members and 1 alternate in attendance at the time of roll call. All members present to participate.

**2. OLD BUSINESS**

There was no old business.

**3.0 NEW BUSINESS**

**Motion** to take agenda item 3.2 first, out of order - by Commissioner Dean.

**Seconded** – by Commissioner Homicki.

**Vote:** 7-0-0.

Aye: Roberts, Knecht, Homicki, Munroe, Oickle, Petrelli and Dean.

Nay: None

Abs: None

**3.2 PUBLIC HEARING APPLICATION NO. 1633-08-Z Cutting Edge Pizza/Little Ceasar's Pizza**  
Seeking a Special Permit in accordance with Section 6.3.K.3 of the Wethersfield Zoning Regulations to install a sign larger than permitted at 1380-1430 Berlin Turnpike (Jordan Lane Shopping Center).

Representing the applicant was James Banister, 14 Woodhaven Dr., Simsbury. Mr. Banister said that Little Caesar's operates 40 restaurants in the Mid-Atlantic region, and is not entering the Hartford area market. Mr. Banister said that the town's signage requirements limit the size of signs according to store frontage. Since the frontage is very small, no one would be able to see the size of sign allowed. He has requested a larger sign to make it more visible. Mr. Banister said that a larger sign has been approved by the landlord. He met previously with the Design Review Advisory Committee, and got their approval for the sign color and design.

Commissioner Oickle asked why the sign is proposed to be orange when the dominant sign color in the shopping center is red. Mr. Banister said that the color and logo are part of a registered trademark. He said Design Review told him that the landowner once wanted all of the signs to be the same color, but does not require it now, and there is no town requirement that they be the same. Mr. Banister said that he included in the application pictures of other signs that were not red.

Peter Gillespie said that the Design Review Advisory Committee does try to encourage owners to have uniformity, but it is not a hard and fast rule. He said it is up to Planning and Zoning if it wants to allow a different color sign.

Commissioner Munroe asked if there were other signs of similar size, and whether the sign would be internally lit. Mr. Banister said that Fabulous Jewelry has a sign of similar size, and that the sign would be internally lit.

Commissioner Knecht asked if orange is the standard color for Little Caesar's. Mr. Banister said that orange has been the standard color for about 10 years.

Commissioner Homicki said that he saw, in a September 12<sup>th</sup> memo from Peter Gillespie, that a sign next door at Fabulous Jewelry is about the same size as the one proposed. Mr. Gillespie also wrote that he felt the proposed sign should be a similar size, so it didn't look too small by comparison.

Commissioner Roberts asked if the public had comments on the application. There were none. Commissioner Roberts asked if the applicant had additional comments on the application. There were none.

**Motion** to close the public hearing - by Commissioner Homicki.

**Seconded** – by Commissioner Munroe.

**Discussion:** Commissioner Oickle said that he is concerned about the color and logo, but is OK with the sign size. He said that the landowner has done well to date with color consistency and thinks it should remain that way.

**Motion** to accept the application as submitted - by Commissioner Knecht.

**Seconded** - by Commissioner Homicki.

**Vote:** 6-1-0.

Aye: Roberts, Knecht, Homicki, Munroe, Petrelli and Dean.

Nay: Oickle

Abs: None

**Application approved.**

**3.1 PUBLIC HEARING APPLICATION NO. 1631-08-Z. Town of Wethersfield Seeking a Zoning Amendment regarding floodplain regulations and map.**

Representing the applicant were Peter Gillespie, Town Planner / Economic Developer Director; and Mike Turner, Town Engineer. Mr. Gillespie said that changes are proposed to the existing Zoning Regulations entitled Section 4.2 Floodplain Regulations. The changes include a flood insurance rate map, by the Federal Emergency Management Agency (FEMA). Mr. Gillespie said that the proposal has been up on the town website, including a summary of the changes and a digital image of the map. He said that this information was also advertised in the Hartford Courant, as required by state statute. Mr. Gillespie said that several hundred people reviewed the information on the website, and several hundred more visited the town hall to do the same.

Mr. Gillespie said that the Commission members have in their information packets an informational map prepared by the Town to show roughly where the proposed changes are located. He said that the informational map is based on a comparison of the current 1982 map, and the proposed 2008 map. Mr. Gillespie said that the text changes include some new and revised definitions, and the Town proposes to take the changes verbatim from FEMA and incorporate them into the Town zoning regulations.

Commissioner Oickle asked if the Town notified the affected property owners. Mr. Turner said that owners were not individually notified. He said that the FEMA maps are nearly impossible to interpret, and the Town did not want to mislead landowners by mistakenly notifying or not notifying them. Mr. Gillespie said that the FEMA maps do not include property boundaries. He also said that the Town made a good faith effort to inform the public, as there were advertisements, press releases, and several news articles.

Commissioner Oickle asked how many homes are affected, and what the typical cost is to hire a surveyor to figure out whether a property is affected by the new maps. Mr. Turner said that about 800 homes are within the floodplain zone as mapped. He did not have the cost information, but that he believed it varied widely, as each property is different.

Commissioner Oickle asked why the regulation changes are needed. Mr. Turner said that the Town's regulations must meet or exceed the FEMA requirements, or the Town will get suspended from the national flood insurance program. If the Town is suspended, then landowners will not be able to get the required flood insurance, federal disaster relief aid will not be approved if there is a disaster during the suspension period, and mortgages could be affected if flood insurance is a condition of the mortgage.

Mr. Turner said that the insurance premiums vary depending on the previous and proposed floodplain classification of a parcel, as previous premium rates can be "grandfathered in" if the landowner applies within a certain amount of time. He also said that refunds are possible if a landowner previously paid for insurance, but is no longer required to have it according to the new maps.

Commissioner Oickle asked how the changes affect the Town government, and have other Towns

requested an extension to the adoption deadline. Mr. Turner said that a 1995 study showed that the Town had over 60 under-sized projects, such as drainage culverts. He said about one-third of those projects have been up-graded since then. Mr. Turner said that he does not know of any towns requesting extensions, but he does know that FEMA and DEP have been adamant that the changes must be adopted prior to the deadline.

Commissioner Knecht asked if every homeowner needs to get a surveyor. Mr. Turner said no, it is not required - a homeowner can decide for themselves. He went on to say that it may be advisable to check with a surveyor if they are not sure.

Commissioner Petrelli asked if there was a change in the number of homes affected. Mr. Turner said the number affected is about 800 for the current and proposed mapping - about the same number of properties dropped out as were pulled in.

Commissioner Petrelli asked if it is possible to send a generic notice to the 800 home owners. He said that he feels there is a moral obligation for the Town to notify them, as homeowners could have their mortgage called in by their lender. Mr. Turner said that it would be very difficult to identify the 800 homes with certainty, and it has been the policy of the Town not to do so with inaccurate maps not produced by the Town.

Commissioner Munroe asked what needs to be done prior to adopting the zoning changes. Mr. Turner said that if the Planning and Zoning Commission votes to approve adoption, all that is needed is for the Town to notify the Capitol Region Council of Governments and FEMA. He said that the Wetlands Commission will also adopt the changes, but that is not required for the FEMA program.

Commissioner Homicki asked if the new maps show more flooding issues for the Town, and commented that is glad to see the ESRI and Arcview work done by the Town. Mr. Turner said that development was the reason for the new areas between 1982 and 1995, but he does not yet know the effect of the 2008 changes.

Commissioner Oickle asked why there were changes like the property at 91 Nott Street. Mr. Turner said it was an individual change after the 1982 map approved through a petition process, and the 2008 map included changes approved through petition.

Commissioner Roberts asked if the changes in the definitions affected any other regulations of the Town. Mr. Gillespie said that Town staff found that some of the changes in the definitions could cause some confusion, but that they would not cause any legal conflict. He said that one possible exception is the definition for recreational vehicle.

Commissioner Roberts asked if adopting the FEMA maps also amends the Town's zoning maps. Mr. Gillespie said that the FEMA maps do not affect the Town's zoning maps.

Commissioner Roberts asked why the Town seemed unwilling to identify the homes affected by the new map. Mr. Gillespie said that it's not that the Town is unwilling; it's that it is too high of a risk for the Town. Part of the reason is that the Town's mapping capability is not at the same level of accuracy as FEMA's mapping.

Commissioner Knecht asked if it is correct that homeowners can get assistance from the Town, but

the Town will not make a determination for them. Mr. Turner said that the Town will gladly walk them through the process, just as it did with the same situation when the 1982 maps came out. Mr. Gillespie added that the Town had already help hundreds of homeowners in this way.

Commissioner Roberts asked if there were any public comments.

John Miller, 45 Harding Street: Mr. Miller said that identification may be a windfall for surveyors, but he is not criticizing town staff. He said he believes the process is flawed and does not allow enough time for novices to figure out how it affects them. Mr. Miller said that he estimates that a typical survey would cost a homeowner about \$500.

Martin Corning, 102 Straddle Hill Road: Mr. Corning said that he was shocked to find out that the flood boundary went through his property. He said he called Congressman Larsen's and Senator Dodd's offices, and he was advised to appeal the boundary, but that would cost him money for an engineer and a lawyer.

Jean Hart, 293 Main Street: Ms. Hart said that it was insane to allow so little time for homeowners to find out how the changes affect them. She said that she feels the Town should try to notify the affected homeowners with registered letters.

Martin Hart, 293 Main Street: Mr. Hart said that he found the internet map to be unreadable after downloading. He found he was in a Zone X, and the Town was unsure whether that meant he would need insurance or not. He said is upset that he may have to pay \$400 for something he may not need. He also said that he is disappointed that the Town won't try to send notification letters because it is afraid that someone will be missed.

Gary Gingrich, 21 Dorchester Street: Mr. Gingrich said that he recommends that the Commission adopt the proposed changes. He also recommended that the Commission seek an extension of the timeframe for homeowners to have previous insurance rates grandfathered.

Commissioner Roberts asked if the Town must adopt the map, the regulation language, or both. Mr. Gillespie said that the map is tied to the regulations, so they must both be adopted at the same time.

Commissioner Petrelli asked if the grandfather clause is limited. Mr. Gillespie said yes, September 26<sup>th</sup> is the deadline. He did not know if is an extension is possible or likely, but he is willing to check.

Mary Dunmurphy, not a Wethersfield resident: Ms. Dunmurphy said that she knows that no Town will do the determination for you, but an insurance agent can find out. She noted that this does not help at a time of transition to a new map, because the insurance company has to go by the current map until the new one is adopted.

Al Moore, 62 Main Street: Mr. Moore said that he has 30 years of experience as an insurance agent working with flood insurance, and is now retired. He said it would have been better if the Town tried to notify homeowners as soon as the map became available, and tried to explain to residents how it affected them. He said that he would have volunteered to help.

Commissioner Homicki asked if the Town has funds budgeted to improve its digital maps, so the

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Town could cross-reference maps in the future to help notify homeowners in such situations. Mr. Turner said that there are no such funds in the budget, and that the Town only had the FEMA maps for about 6 weeks. He said that one thing the Town can and is doing is to participate in a regional rating approach through CRCOG to get discounts on premiums.

Commissioner Roberts commented that if the proposed changes are not adopted, then homeowners will be put at potentially high risk.

**Motion** to close the public hearing – by Commissioner Petrelli.

**Seconded** – by Commissioner Munroe.

**Vote:** 7-0-0.

Aye: Roberts, Knecht, Homicki, Munroe, Oickle, Petrelli and Dean.

Nay: None

Abs: None

**Motion** to approve the zoning amendment regarding flood plain regulations and map, as submitted – by Commissioner Dean

**Seconded** – by Commissioner Homicki

**Discussion:** Commissioner Roberts asked if the motion should include consideration for an effective date, and for the Town's intention to pursue an extension.

Commissioner Oickle said that the town manager and staff should be encouraged to send notices to the affected citizens, and tell the Congressional Representatives about the poor adoption process.

Mr. Gillespie said that the notice of adoption would probably be published and effective Friday. That is, unless some flexibility was added to the motion to allow the Town to pursue an extension, and also to make the effective date as late as possible, to allow the most time for homeowners to pursue grandfathering.

**Motion** to approve adoption of the zoning amendment regarding floodplain regulations and map, effective September 26, 2008, or, if an extension is granted by FEMA, the effective date approved by FEMA – by Commissioner Dean

**Seconded** – by Commissioner Homicki

**Vote:** 7-0-0.

Aye: Roberts, Knecht, Homicki, Munroe, Oickle, Petrelli and Dean.

Nay: None

Abs: None

**Application approved.**

**4. OTHER BUSINESS**

**4.1** Discussion of Mixed Use Zoning Regulation Amendments.

Mr. Gillespie said that previously the approach to encouraging mixed use was to add a new zone or

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overlay. He now believes a simpler approach would be to make minor modifications to the zoning definitions and add specific regulatory requirements. This approach is presented in his memo to the Commission dated August 28, 2008. He said that an outline of the regulations would include: purpose, applicability, procedural requirements, special permit criteria, density, and special exceptions. All of which would be tied to the Silas Deane Master plan.

Commissioner Roberts asked what does the density of 30 units per acre look like. Commissioner Dean asked where this threshold came from. Mr. Gillespie said that he would get examples to the Commission and also find out how it originated.

Commissioner Oickle said that he has concerns about the tie to the Silas Deane Master Plan, because it is a little vague. He also expressed concerns about buildings so close to the street, and would buildings be allowed to be higher than allowed now. Mr. Gillespie said that yes, the new requirements would allow higher buildings, if proposed and approved.

Mr. Gillespie said that the Wethersfield Redevelopment Agency is strongly in favor of such amendments. For example, a higher density project could increase return on investment to the point of overcoming the cost of environmental clean-up at blighted properties.

Commissioner Homicki asked if the requirements should include a threshold of greater than 30 units per acre. Commissioner Roberts replied that greater density could be allowed through special exception criteria. Commissioner Knecht added that he understands virtually every architect now advocates higher density development.

Mr. Gillespie said that he would begin to prepare a zoning amendment application.

**5. MINUTES** – Minutes of the September 2, 2008 meeting.

Commissioner Roberts noted suggested revisions to the draft minutes. Commissioners Homicki and Petrelli said that they would abstain from voting because they were not present for the September 2, 2008 meeting.

**Motion** to accept the minutes as amended - by Commissioner Oickle.

**Seconded** - by Commissioner Munroe.

**Vote: 5-0-2**

Aye: Roberts, Knecht, Munroe, Oickle, and Dean.

Nay: None

Abs: Homicki, Petrelli

**6. STAFF REPORTS**

There were no staff reports.

**7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING**

There was no public comment.

**8. CORRESPONDENCE**

**8.1** A copy of a Legislative Alert regarding Procedural Requirements.

**8.2** A memo dated August 22, 2008, from the State of Connecticut Department of Public Health regarding Metropolitan District Commission Water Supply Plan.

**8.3** A letter dated September 9, 2008, from Jack Bradley regarding changes to the Freedom of

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Information Act.

**8.4** An invitation to attend a Land Use Academy Conference on November 1, 2008.

**9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS**

**9.1 PUBLIC HEARING APPLICATION NO. 1629-08-Z. Nancy Faucher** - Seeking a Special Permit in accordance with Section 3.6.B.2 of the Wethersfield Zoning Regulations to construct a garage larger than permitted in a residential zone at 107 Robeth Lane.---Continued from 9/5/08.

**9.2 PUBLIC HEARING APPLICATION NO. 1630-08-Z. Greg Lichatz** - Seeking a Special Permit in accordance with Section 5.2.F.2 to allow outdoor dining at 580 Silas Deane Highway.

**9.3 PUBLIC HEARING APPLICATION NO. 1634-08-Z. Rana Automaster** - Seeking a Special Permit in accordance with Section 5.2.E.3 of the Wethersfield Zoning Regulations for a General Repairer's License and in accordance with Section 5.2.E.4 of the Wethersfield Zoning Regulations for automotive sales at 1652 Berlin Turnpike.

Mr. Gillespie said that there would also be in the future a new application for assisted living housing on Ridge Road, and an application for a new dock system on the Cove.

**10. ADJOURNMENT**

**Motion to adjourn at 9:45 PM – by Commissioner Munroe.**

**Seconded - by Commissioner Homicki.**

**Vote: 7-0-0, unanimous.**

Aye: Roberts, Knecht, Homicki, Munroe, Oickle, Petrelli and Dean.

Nay: None

Abs: None

Respectfully submitted,

Kevin T. Sullivan, Recording Secretary